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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 12, 2008

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Burkett, Cameron, Gannon, Langhorst, Little, Lodge, McKenzie, Siddoway, Stegner, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brooke Rinearson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Langhorst, Little, Siddoway, Stennett, and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

February 12, 2008

The JUDICIARY AND RULES Committee reports that **S 1416, S 1417, S 1418, S 1419, S 1420, S 1421, S 1422, S 1423, S 1424, S 1425, S 1426, S 1427, S 1428, SCR 128, SCR 129, and SJM 110** have been correctly printed.

DARRINGTON, Chairman

S 1416, S 1417, S 1418, S 1423, and S 1424 were referred to the Resources and Environment Committee.

S 1419, S 1420, S 1421, and S 1422 were referred to the Judiciary and Rules Committee.

S 1425 and S 1426 were referred to the Health and Welfare Committee.

S 1427 and S 1428 were referred to the Education Committee.

On request by Senator Goedde, granted by unanimous consent, **SCR 129** was referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, **SJM 110** was referred to the State Affairs Committee.

SCR 128 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2008

The JUDICIARY AND RULES Committee reports that Enrolled **S 1259** was delivered to the Office of the Governor at 2:56 p.m., February 11, 2008.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 11, 2008

The RESOURCES AND ENVIRONMENT Committee reports out **S 1373 and S 1374** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1373 and S 1374 were filed for second reading.

February 11, 2008

The JUDICIARY AND RULES Committee reports out **S 1369, S 1350, S 1370, and S 1371** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1369, S 1350, S 1370, and S 1371 were filed for second reading.

February 11, 2008

The HEALTH AND WELFARE Committee reports out **H 390** with the recommendation that it do pass.

LODGE, Chairman

H 390 was filed for second reading.

February 11, 2008

The HEALTH AND WELFARE Committee reports out **S 1344** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, **S 1344** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 8, 2008

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1308 and S 1309

As Always - Idaho, '*Esto Perpetua*'
/s/ C. L. 'Butch' Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 11, 2008

Mr. President:

I return herewith Enrolled **SJM 108** which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SJM 108** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President called President Pro Tempore Geddes to the Chair.

Senators Burkett, Cameron, McKenzie, and Stegner were recorded present at this order of business.

The President Pro Tempore announced that **HCR 36** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Schroeder, seconded by Senator Stennett, **HCR 36** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Lodge was recorded present at this order of business.

S 1382, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1318**, **S 1339**, **S 1321**, **S 1324**, and **S 1256**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1318

AMENDMENTS TO SECTION 2

On page 2 of the printed bill, in line 40, delete "an honorarium in", and also in line 40, delete "fifty"; in line 41, delete "(\$150)" and insert: "(\$100)"; in line 42, delete "Pay-" and delete lines 43 and 44.

CORRECTIONS TO TITLE

On page 1, in line 4, delete "PER DIEM" and in line five, delete "HONORARIUM" and insert: "COMPENSATION".

SENATE AMENDMENT TO S 1339

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 13, following "court," insert: "and unless otherwise prohibited by law"; and also in line 13, delete "cash in" and insert: "apply for distribution of".

CORRECTION TO TITLE

On page 1, in line 6 delete "CASH IN" and insert: "APPLY FOR DISTRIBUTION OF".

SENATE AMENDMENT TO S 1321

AMENDMENT TO SECTION 2

On page 2 of the printed bill, delete lines 26 through 28 and insert: "board of library commissioners may exempt a given state publication or class of publications from the requirements of

sections 33-2505, 33-2505A and 33-2505B, Idaho Code, in full or in part, and shall promulgate rules in compliance with chapter 52, title 67, Idaho Code, and make policies to implement this section."

CORRECTION TO TITLE

On page 1, in line 7, following "EXEMPTIONS" insert: ", RULES AND POLICIES".

SENATE AMENDMENT TO S 1324

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 21, following "husband and wife" insert: "when expressly declared in the grant, transfer or devise to be an estate in community property with right of survivorship".

SENATE AMENDMENT TO S 1256

AMENDMENTS TO SECTION 2

On page 2 of the printed bill, in line 17, delete "and are perpetually appropriated to the director" and insert: "subject to appropriation."; and delete line 18 and insert: "Employees of".

The Committee also has **S 1361** and **S 1329** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Langhorst, the report was adopted by voice vote.

S 1318, as amended, **S 1339**, as amended, **S 1321**, as amended, **S 1324**, as amended, and **S 1256**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

S 1325, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1325** passed, title was approved, and the bill ordered transmitted to the House.

H 356 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 356** passed, title was approved, and the bill ordered returned to the House.

H 349 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 349** passed, title was approved, and the bill ordered returned to the House.

H 357 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 357** passed, title was approved, and the bill ordered returned to the House.

H 358 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 358** passed, title was approved, and the bill ordered returned to the House.

S 1311 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1311** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **S 1252** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service. The President Pro Tempore called Senators Hammond and Bastian, Co-Chairmen, to the Chair to preside over the Lincoln Day Service.

The Lincoln Day Program was presented to the members of the Senate with Senator Davis providing the Opening Remarks. The Idaho Civil War Volunteers posted the Colors, and the Pledge of Allegiance was led by Phil Hawkins, Vietnam Veteran and Volunteer Co-ordinator with the Idaho State Veterans Home, Boise.

"Lincoln and Idaho" was read by Janet L. Gallimore, Executive Director of the Idaho State Historical Society. Vincent Kituku, Motivational Speaker and community activist, provided a recitation of "Lincoln and His Impact on the World." Violin solos were performed by Blaine Reed, Boise State University Music Student and Skip Critrell, as President Abraham Lincoln, offered "The Second Inaugural Address."

Concluding remarks were provided by President Pro Tempore Geddes. Following Retirement of the Colors, Senators Hammond and Bastian declared the Lincoln Day Service dissolved.

The President Pro Tempore call the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Wednesday, February 13, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary